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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|---------------------------|---|---|
| UNITED STATES OF AMERICA, |) | CASE NO. 13-CR-93 JST |
| |) | |
| |) | [PROPOSED] ORDER TO EXCLUDE TIME |
| |) | UNDER SPEEDY TRIAL ACT |
| v. |) | |
| |) | |
| JONATHAN MOTA |) | |
| |) | |
| Defendant |) | |
| <hr/> | | |

The parties appeared before the Honorable Jon S. Tigar on October 29, 2014 for a hearing on severance and 404(b) motions. Assistant U.S. Attorneys Kathryn Haun and William Frentzen represented the United States, and the defendant represented himself with Richard B. Mazer, Esq. appearing as standby counsel the defendant. The Speedy Trial Act, 31, U.S.C. Section, provides for an automatic tolling of the Act where a motion is pending, and for 30 days after such a motion is heard. Here, therefore, the parties believe the Speedy Trial Clock is tolled automatically from October 29, 2014 through November 29, 2014 while the matter is pending before the Court. However, the Act does not provide for tolling until the Court releases an Order, merely for 30 days after a hearing. Thus, the

STA [PROPOSED] ORDER
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parties hereby move for an exclusion of time from NOVEMBER 29, 2014 to APRIL 13, 2015, the trial date currently set. The parties make this Motion now rather than await the NOVEMBER 29, 2014 date in light of the upcoming Thanksgiving holidays and to accommodate various federal holidays and attorneys periods of leave, as well as the Court's schedule which is unknown to the parties. In other words, if the Court issues an Order sometime during the following week, the parties may be unavailable to prepare a stipulation and thus the STA clock may begin to run until such time as the parties return and are able to confer on an exclusion of time. The parties collectively do not wish time on the STA clock to run, and do not wish not to exclude time by mere oversight. Further, the defendant has been consulted and concurs with the exclusion of time. Therefore the parties therefore jointly move the Court to find and hold as follows:

1. An exclusion of time under the Speedy Trial Act, 18 U.S.C. Section 3161, from NOVEMBER 29, 2014 to APRIL 13, 2015, is necessary in light of the need for effective preparation of the case by defendant and his standby counsel. Failure to grant the requested continuance would unreasonably deny defense counsel the time necessary for effective preparation, taking into account the exercise of due diligence and the need for counsel to conduct further investigation.

2. Given these circumstances, the Court finds that the ends of justice served by excluding the period from NOVEMBER 29, 2014 to APRIL 13, 2015, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. Section 3161(h)(7)(A).

3. Accordingly, and with the consent of the defendant who does not object to the exclusion, the Court orders that the period from NOVEMBER 29, 2014 to APRIL 13, 2015, is excluded from Speedy Trial Act calculations under 18 U.S.C. Section 3161(h)(7)(A) & (B)(ii) and (iv).

So stipulated

11/18/14

_____/s/_____
KATHRYN HAUN

Assistant U.S. Attorney

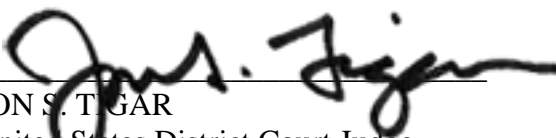
_____/s/_____
RICHARD MAZER ESQ.

Standby Counsel for Defendant Pro Se Mota

PROPOSED ORDER

For the reasons contained in the instant stipulated, IT IS SO ORDERED that time is excluded from NOVEMBER 29, 2014 to APRIL 13, 2015 for the reasons stated in the parties' stipulation.

DATED: November 19, 2014



JON S. TIGAR
United States District Court Judge